UNITED STATES PATENT AND TRADEMARK OFFICE

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ART UNIT	PAPER NUMBER
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NOTIFICATION DATE	DELIVERY MODE
08/05/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 May 2010*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31,33-43,49-55 and 57-71* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31, 33-43, 49-55 and 57-71* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This office action is responsive to communications filed on 05/11/2010.

2.   Claims 1-31, 33-43, 49-55 and 57-71 are pending and have been examined.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-6, 8-14, 16-31, 33-37, 39-43, 49-55, 57-60 and 62-71 are rejected

under 35 U.S.C. 103(a) as being unpatentable over **Hayton et al. (patent no.: US**

7,051,084 B1) in view of **Miller (PGPUB: US 2003/0040970 A1).**

With respect to **claim 1,** Hayton teaches a method of dynamically generating and

serving web pages, the method comprising:

receiving a page request at a server, the page request generated by a web

browser running on a user computer and corresponding to a web page that is generated

dynamically (Hayton: fig. 2a-2b, col. 5, lines 17-37, noted the client request);

in response to the page request, sending a service request from the server to a

service to request service data to incorporate into the web page (Hayton: fig. 2a-2b, col.

5, lines 29-50 and col. 6, lines 26-54, noted that the server node 210 sends data

request to data store 50 from server node 210');

before the service returns the service data, transmitting a first portion of the web

page from the server to the user computer for display by the web browser, said first

portion including viewable content that is viewable on the user computer, and including

a placeholder for the requested service data, said first portion transmitted to the user

computer while said service request is pending (Hayton: fig. 2b, col. 5, lines 29-50 and

col. 6, lines 26-54, noted that before the latest data update is being return back from the

serve node 210' to the client, the first portion of viewable page is displayed to the client);

after the service returns the service data and before the web page has been fully

loaded, transmitting from the server to the user computer a second portion of the web

page, the second portion including the service data (Hayton: col. 12, lines 50-65, col.

col. 13, lines 6-50, noted the updated portion of data 50 is sent to the client); and

transmitting to the user computer a page update handler which, when executed

by the web browser, incorporates the service data included within the second portion of

the web page into the first portion of the web page in a viewable format to complete the

web page (Hayton: col. 5, lines 23-37, col. 6, lines 38-54, col. 13, line 6 to col. 14 line

18, col. 16, lines 23-39 and col. 17, lines 14-40).

Whereby the method enables an incomplete version of the requested web page

to be viewed on the user computer while the service data is being retrieved (Hayton:

col. 6, lines 26-54 col. 10, lines 41-53 and col. 13, lines 25-61, noted that upon updating

and populating the portion data 50, the web page becomes completed. This suggests

that the web page was incomplete before the data is updated).

However, Hayton does not explicitly teach a method of waiting for a service

request in pending for a selected time interval.

In the same field of endeavor, Miller teaches a method of waiting for an update service request in pending for a period of time (Miller: page 5, paragraph 40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of waiting for an update service request in pending for a period of time as taught by Miller in Hayton's invention in order obtain the new updated content from the data server (Miller: page 5, paragraph 40).

With respect to **claim 2,** Hayton teaches the method of Claim 1, wherein the placeholder comprises a display object, and the page update handler populates the display object with at least some of the service data included within the second portion of the web page (Hayton: col. 13, line 6 to col. 14 line 18, col. 16, lines 23-39 and col. 17, lines 14-40).

With respect to **claim 3,** Hayton teaches the method of Claim 2, wherein the display object is positioned above at least some of said viewable content within the first portion of the web page (Hayton: fig. 2b, col. 17, lines 14-40).

With respect to **claim 4,** Hayton teaches the method of Claim 1, wherein the service data is included in the second portion of the web page in a condensed form in which at least some format coding is omitted, and the page update handler adds format coding to the service data to format the service data for display, whereby a quantity of data transmitted to the web browser is reduced (Hayton: col. 13, lines 6-50).

With respect to **claim 5,** Hayton teaches the method of Claim 1, wherein the service data is included in the second portion of the web page in a hidden format (Hayton : col. 13, line 6 to col. 14 line 18, and col. 23, lines 5-44).

With respect to **claim 6,** Hayton teaches the method of Claim 1, wherein the page update handler is transmitted to the user computer as part of the first portion of the web page (Hayton: fig. 2a-2b, col. 5, lines 29-50 and col. 6, lines 26-54).

With respect to **claim 8,** Hayton teaches all of the claimed limitations, except that he does not explicitly teach a method of in response to a failure of the service to return the service data within a selected time interval.

In the same field of endeavor, Miller teaches updating the web page in response to a failure of the service to return the service data within a selected time interval. (Miller: page 5, paragraphs 40-41). Same motivation used in claim 1, applies equally as well to claim 8.

With respect to **claim 9,** Hayton teaches all of the claimed limitations, except that he does not explicitly teach a method of to defer rendering of a portion of the web page, said server decision being based at least in part on response time data collected for the service.

In the same field of endeavor, Miller teaches updating the web page in response to a period of time collected for the update service (Miller: page 5, paragraphs 40-41). Same motivation used in claim 1, applies equally as well to claim 9.

With respect to **claim 10,** Hayton teaches the method of Claim 1, wherein the placeholder for the requested service data is included within the first portion of the web page in response to a server decision to defer rendering of a portion of the web page, said server decision taking into consideration at least one of the following: (a) a load

level of the service, (b) a load level of a web server system that responds to the page request (Hayton: col. 13, lines 5-50).

With respect to **claim 11,** Hayton teaches the method of Claim 1, wherein the second portion of the web page includes a command that causes the web browser to execute the page update handler (Hayton: col. 12, lines 40-65).

With respect to **claim 12,** Hayton teaches the method of Claim 1, wherein the first portion of the web page includes a command that causes the web browser to execute the page update handler upon completion of loading of the web page (Hayton: col. 12, lines 40-65 and col. 16, lines 23-39).

With respect to **claim 13,** Hayton teaches the method of Claim 1, wherein the page update handler comprises a JavaScript function (Hayton: col. 5, lines 64-67).

With respect to **claim 14,** Hayton teaches the method of Claim 1, wherein the service request is one of a plurality of service requests generated in response to the page request (Hayton: col. 17, lines 14-40).

With respect to **claim 16,** Hayton teaches the method of Claim 1, wherein the page update handler selects a display format to use to display the service data in the web page based at least in part on a dimension of a window of the web browser running on the user computer (Hayton: col. 17, lines 29-40).

With respect to **claim 17,** Hayton teaches the method of Claim 1, wherein the page update handler selects a display format to use to display the service data in the web page based at least in part on a quantity of the service data (Hayton: col. 17, lines 14-56).

With respect to **claim 49,** Hayton teaches the method of Claim 1, wherein the method is performed by a web server system that comprises one or more physical servers (Hayton: fig. 2a-2b, col. 5, lines 17-50).

With respect to **claim 67,** Hayton teaches the method of claim 1, wherein the method additionally comprises responding to the page request by dynamically generating the first portion of the web page on said server using data retrieved from at least one additional service (Hayton: fig. 2a-2b server node 210').

With respect to **claim 68,** Hayton teaches all of the claimed limitations; except that he does not explicitly teach a method of incorporate into said first portion of the web page a viewable status message reflecting that additional data is being retrieved.

In the same field of endeavor, Miller teaches a method of viewing the status of the ad content in a Java servlets merchant site server (Miller: page 5, paragraphs 46-47 and page 6, paragraphs 50-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of viewing the status of content as taught by Miller in Hayton's invention in order to show to the user that update content is available.

With respect to **claim 68,** Hayton teaches the method of claim 1, wherein the service request is sent from the server to the service before any portion of the requested web page is transmitted to the user computer (Hayton: fig. 2a-2b, col. 5, lines 29-50 and col. 6, lines 26-54, noted that the server node 210 sends data request to data store 50 from server node 210'. This is also an inherent feature for any type of web

page access. Once the server receives the request from the client, it would reach out to

a database to fetch the necessary data before the any data is sent to the client).

With regard to **claims 18-26 and 50** the limitations of these claims are

substantially the same as those in claims 1-6, 8-14, 16-17, 49 and 67. Therefore the

same rationale for rejecting claims 1-6, 8-14, 16-17, 49 and 67 is used to reject claims

18-26 and 50. By this rationale **claims 18-26 and 50** are rejected.

With regard to **claims 27-31, 33-37, 39-43, 51 and 70,** the limitations of these

claims are substantially the same as those in claims 1-6, 8-14, 16-17, 49, 67 and 69.

Therefore the same rationale for rejecting claims 1-6, 8-14, 16-17, 49, 67 and 69 is used

to reject claims 27-31, 33-37, 39-43, 51 and 70. By this rationale **claims 27-31, 33-37,**

39-43, 51 and 70 are rejected.

With regard to **claims 52-55, 57-60, 62-66 and 71,** the limitations of these claims

are substantially the same as those in claims 1-6, 8-14, 16-17, 49 and 67-69. Therefore

the same rationale for rejecting claims 1-6, 8-14, 16-17, 49 and 67-69 is used to reject

claims 52-55, 57-60, 62-66 and 71. By this rationale **claims 52-55, 57-60, 62-66 and 71**

are rejected.

5.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hayton**

et al. (patent no.: US 7,051,084 B1) in view of **Miller (PGPUB: US 2003/0040970 A1**

and further in view of **Starkey (PGPUB: US 2002/0059327 A1).**

With respect to **claim 7**, the combined method of Hayton-Miller teaches all of the

claimed limitations, except that they do not explicitly teach a method of transmitting a

page update handler to the user computer as part of a library file, separately from the web page.

In the same field of endeavor, Starkey teaches a method of transmitting a page update handler to the user computer as part of a library file, separately from the web page (Starkey: fig. 1, page 3, paragraphs 38-39, note the Java Classes).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the features above as taught by Starkey in the combined method of Hayton-Miller's invention in order to reduce network traffic by transmitting packets separately over the network.

6.   Claims 15, 38 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hayton et al. (patent no.: US 7,051,084 B1)** in view of **Miller (PGPUB: US 2003/0040970 A1** and further in view of **Samar (Patent no.: US 6,563,514 B1).**

With respect to **claim 15,** the combined method of Hayton-Miller teaches all of the claimed limitations, except that they do not explicitly teach a method of implementing the web page as mouse-over text that is displayed by the web browser when a mouse cursor is positioned over a corresponding display element.

In the same field of endeavor, Samar teaches a method of implementing the web page as mouse-over text that is displayed by the web browser when a mouse cursor is positioned over a corresponding display element (Samar: abstract, fig. 8, and col. 10, lines 26-39).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the features above as taught by Samar in the combined method of Hayton-Miller's invention in order to dynamically display the additional information with regard to the element without requiring any further action from the user (Samar: col. 1, lines 59-67).

With regard to **claims 38 and 61,** the limitations of this claim are substantially the same as those in claim 15. Therefore the same rationale for rejecting claim 15 is used to reject claims 38 and 61. By this rationale **claims 38 and 61** are rejected.

Response to Arguments

7.   Applicant's arguments filed 05/11/2010 have been fully considered but they are not persuasive.

8.   At the outset, Applicants are reminded that claims subject to examination will be given their broadest reasonable interpretation consistent with the specification. In re Morris, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997). In fact, the "examiner has the duty of police claim language by giving it the broadest reasonable interpretation." Springs Window Fashions LP v. Novo Industries, L.P., 65 USPQ2d 1862, 1830, (Fed. Cir. 2003). Applicants are also reminded that claimed subject matter not the specification, is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding the prior art. In re Sporck, 55 CCPA 743, 386 F.2d, 155 USPQ 687 (1986).

9.   With this in mind, the discussion will focus on how the terms and relationships
thereof in the claims are met by the references. Response to any limitations that are not
in the claims or any arguments that are irrelevant and/or do not relate to any specific
claim language will not be warranted.

10.   On pages 12-13 of Applicant's remark, Applicant argues that "Hayton never
suggests that the server transmits a portion of the requested page to the user's
computer while the server is waiting for requested service data. Thus, when a page is
initially requested in Hayton, the user apparently cannot begin to review any portion of
the page until after the server has retrieved all of the data for generating the page. For
example, if five seconds elapse before the requested data becomes available to the
server, the user will apparently experience at least a five-second delay before the
requested page will begin to appear."

11.   In response to Applicant's argument, the examiner disagrees. As set forth in the
rejection, Hayton teaches making a request by a client for a web page, wherein a
portion of such web page is first presented to the client for viewing with data not-up-to-
dated, thereby the webpage would automatically refresh itself for the latest data to be
populated and presented to the client (Hayton: col. 5 to col. 6). This suggests that a first
incomplete version of web page is transmitted to the client, after the server node
gathers a portion of data of the web page, while the refresh request is pending, follow
by updating the web page with a second portion of data with the refresh update.

        In addition, the claims that are present do not explicitly recite that the web page
is a brand new webpage that is **initially requested** by the client. This suggests that the

client could be in the middle of browsing a webpage, and requests another webpage or

refreshing the same webpage as it is disclosed in Hayton.

Conclusion

12.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LIN LIU whose telephone number is (571)270-1447.

The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Srivastava Vivek can be reached on (571) 272-7304. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Liu/   /Patrice L Winder/
Examiner, Art Unit 2445   Primary Examiner, Art Unit 2445